

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JESSICA L. WEISS-LEPRE,**

Plaintiff,

v.

**PITT OHIO EXPRESS LLC,**

Defendant.

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2:20cv1264

**Electronic Filing**

**TRIAL MANAGEMENT ORDER**

AND NOW this 11<sup>th</sup> day of July, 2023, IT IS HEREBY ORDERED as follows:

**1. Jury Selection and Trial.**

Jury Selection and Trial in connection with the above-referenced case is hereby scheduled for **Monday, August 21, 2023, at 9:30 AM** in Courtroom 7A, Seventh Floor, United States Courthouse, 700 Grant Street, Pittsburgh, PA. **ALL PARTIES SHALL BE PRESENT DURING JURY SELECTION AND TRIAL.**

**2. Exchange of Witness Lists and Exhibits.**

(a) Plaintiff shall serve and submit to the court her list of trial witnesses, listing separately those she will call and those she may call if needed (other than purely for impeachment), and a list of all proposed exhibits, consecutively numbered, by 3 weeks backwards, **Friday, July 28, 2023.**

(b) Defendant shall serve and submit to the court its list of trial witnesses, listing separately those it will call and those it may call if needed (other than purely for impeachment), and a list of all proposed exhibits, consecutively lettered<sup>1</sup>, by **August 4, 2023**.

(c) Voluminous data should be presented by summary exhibits pursuant to Fed. R. Evid. 1006, and voluminous exhibits shall be redacted to eliminate irrelevant material (which shall remain available for examination by opposing counsel). Where copies of documents are offered, the originals shall be available for examination, unless waived by stipulation.

**A copy of all trial exhibits is to be provided to the official court reporter at the commencement of trial.**

**3. Designation of Discovery Excerpts to be Offered at Trial.**

The parties shall submit designations of excerpts from depositions, interrogatory answers, and responses to requests for admission to be offered at trial (other than for impeachment) by **July 28, 2023**.

**4. Motions.**

The parties shall file all motions in limine, including motions under Fed. R. Evid. 104(a) [Preliminary questions concerning the qualifications of a witness, existence of privilege, or admissibility of evidence] and motions to limit or sever issues, together with supporting briefs or memoranda of law, by **July 28, 2023**. Responses shall be filed by **August 4, 2023**. All supporting or opposing briefs are limited to fifteen (15) pages.

**5. Proposed Jury Instructions.**

(a) The parties shall file substantive jury instructions (elements of plaintiff's cause of

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<sup>1</sup> Defendant's first twenty-six (26) exhibits shall be marked "Defendant's A-1" through "Defendant's Z-1" etc.

action and defendant's defenses), citing authority for each instruction, **August 4, 2023**.

(b) A party must file any objections to the instructions proposed by the other party by **August 11, 2023**. Any and all objections shall be in writing and shall set forth the proposed instruction in its entirety. The objection should then specifically set forth the objectionable material in the proposed instruction. The objection shall contain citation to authority explaining why the instruction is improper and a concise statement of argument concerning the instruction. Where applicable, the objecting party shall submit an alternative instruction covering the subject or principle of law.

(c) All instructions should be short, concise, understandable and neutral statements of law. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

**6. Proposed Voir Dire.**

The parties shall file any proposed voir dire questions, if different from those listed at Local Rule 47.1, by **July 28, 2023**. Responses and/or oppositions by any party to said voir dire questions shall be filed on or before **August 4, 2023**.

**7. Proposed Verdict Forms.**

The parties shall submit proposed verdict forms by **August 11, 2023**.

**8. Joint Stipulations.**

On or before **July 21, 2023**, all parties are directed to submit stipulations as to the following items:

(i) Curricula vitae of experts or expert witnesses. Copies of the curricula vitae shall be exchanged by the parties. Should there be no objection, the curricula vitae of the expert will be read into the record before the expert's testimony commences;

- (ii) Facts;
- (iii) Admissibility and authenticity of exhibits;
- (iv) Medical records and/or reports
- (v) Reports of experts; and
- (vi) A brief statement of the claims and defenses to be read to the jury.

**9. Jury Panel.**

The jury panel in this matter shall consist of eight (8) jurors.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Larry A. Weisberg, Esquire  
James F. Glunt, Esquire  
Raeann Burgo, Esquire

*(Via CM/ECF Electronic Mail)*